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*Attorneys for Plaintiff
Sunset Commercial LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

BAYER CROPSCIENCE, INC., a New York
Corporation; MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA, a
Delaware Corporation; ATLANTIC
RICHFIELD COMPANY, a Delaware
Corporation; OLIN CORPORATION, a
Virginia Corporation, TITANIUM METALS
CORPORATION, a Delaware Corporation;
NL INDUSTRIES, INC., a New Jersey
Corporation; LE PETOMANE XXVII, INC.,
an Illinois Corporation, in its representative
capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE; and the UNITED STATES OF
AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION TO EXTEND DEADLINE
FOR PARTIES TO FILE DISCOVERY
PLAN AND SCHEDULING ORDER**

(Second Request)

Plaintiff Sunset Commercial LLC (“Sunset” or “Plaintiff”), Defendant Bayer Cropsience, Inc., Defendant Atlantic Richfield Company, Defendant Titanium Metals Corporation, Defendant Olin Corporation, Defendant Le Petomane XXVII, Inc., solely in its capacity as trustee of the Nevada Environmental Response Trust, and Defendant United States of America, by and through counsel of record, and consistent with LR IA 6-1(a), hereby stipulate for this Court to extend the

1 time within which the parties must file a Rule 26(f) Discovery Plan and Proposed Scheduling Order
 2 (the “Rule 26 Filing”) through and including **August 15, 2024**. Sunset and all Defendants have
 3 agreed to stipulate to the extension.¹

4 This is the second requested extension of this deadline and is made in good faith and not
 5 for purposes of delay. *See* LR IA 6-1(a).

6 Sunset seeks to abide by this Court’s “Standing Order” filed on December 19, 2023 (Docket
 7 Entry No. 9), stating that “Judge Navarro will generally deny a stipulation or motion for a
 8 continuance or extension of time which lacks justification,” and that “[s]uch requests may be
 9 granted only in extraordinary circumstances if just cause is presented.” Sunset therefore identifies
 10 the following points of justification that show just cause exists for granting the Motion:

- 11 1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above
 12 on December 14, 2023, seeking judgment against all Defendants for contribution
 13 damages “for response costs in accordance with CERCLA Section[] 107(a),” (*see*
 14 Complaint “Prayer for Relief” ¶ 1), meaning at least a portion of the Complaint’s
 15 allegations (and especially its first two Claims for Relief) necessitate proceeding
 16 against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
- 17 2. Since then, all Defendants have filed an answer and/or responsive pleading;
- 18 3. On May 13, 2024, Defendant USA filed a Motion to Dismiss Amended Complaint
 19 (ECF No. 64), which Defendant Atlantic Richfield Company joined (ECF No. 65)
 20 along with other Defendants have joined;
- 21 4. Given the piecemeal appearances, answers, and motions to dismiss, along with
 22 attempts to explore whether this case can be resolved without further proceedings,
 23 the parties have not yet conducted a Rule 26(f) conference as set forth in the Federal
 24 Rules of Civil Procedure;

25
 26
 27 ¹ Counsel for Defendant Montrose Chemical Corporation of California agreed to the
 28 extended date in principle but did not respond to the request for signature on this stipulation in time
 for filing.

5. Several parties have exchanged settlement proposals and need more time to evaluate the proposals and continue discussions;

6. The parties believe it would be fair and most efficient to avoid proceeding with a discovery conference, preparing for initial disclosures, and filing a Discovery Plan and Proposed Scheduling Order and instead focus on exploring the potential for resolving this case without further proceedings, which would, in turn, preserve judicial and party resources; and

7. Discovery has not yet commenced in this case and extending the deadline to submit a Discovery Plan and Proposed Scheduling Order would not prejudice any other party to this case, nor would it affect any other deadlines at this early stage in the proceedings.

DATED: June 12, 2024.

DATED: June 12, 2024.

PARSONS BEHLE & LATIMER

UNITED STATES OF AMERICA

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1 DATED: June 12, 2024.

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15 *Attorneys for Defendant
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17 DATED: June 12, 2024.

DATED: June 12, 2024.

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28 *Attorneys for Defendant
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1 DATED: June 12, 2024.

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15 *Corporation, in its representative capacity as*
16 *trustee of the Nevada Environmental Response*
17 *Trust*

18 **ORDER**

19 **IT IS SO ORDERED.**

20
21 
22 UNITED STATES MAGISTRATE JUDGE

23 Dated: 6/13/2024